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By: Nancy RamosPrinted: Nancy Ramos

22154 U.S. PTO

10/618538



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231
Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. U.S. Application Serial No. 09/387,811, filed September 1, 1999, which is a divisional of U.S. Application Serial No. 09/227,420, filed on January 8, 1999, issued November 23, 1999, as U.S. Patent No. 5,990,087, which is a divisional of U.S. Application Serial No. 09/026,587, filed February 20, 1998, issued June 15, 1999, as U.S. Patent No. 5,912,128, all entitled HUMAN ENA/VASP-LIKE PROTEIN SPLICE VARIANT, all of which are incorporated herein by reference.

- X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/026,587, filed on February 20, 1998, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.

With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. [SERIAL NO.], filed [FILING DATE], to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. [SERIAL NO.] as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.

Amend the specification by inserting after the title: "This application is a application of U.S. application serial number , filed , all of which applications and patents are hereby incorporated herein by reference."

- X Cancel in this application original claims 3-10, 13-29 and 46-55 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

- X The inventor(s) of the invention being claimed in this application is (are): Preeti G. Lal, Karl J. Guegler and Neil C. Corley.

- X The prior application is assigned of record to Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., recorded on July 6, 1998, at reel /frame 9329/0741.



- | | | |
|---|---|-----------------|
| X | The power of attorney of the prior application is to: | |
| | Lucy J. Billings | Reg. No. 36,749 |
| | Jenny Buchbinder | Reg. No. 48,588 |
| | Diana Hamlet-Cox | Reg. No. 33,302 |
| | Joel Harris | Reg. No. 44,743 |
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| | Michelle M. Stempien | Reg. No. 41,327 |
| | David G. Streeter | Reg. No. 43,168 |
| | James M. Verna, Ph.D. | Reg. No. 33,287 |
| | Yu-Mei Eureka Wang | Reg. No. 50,510 |

- X The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

ENCLOSURES

- X Application Data Sheet (ADS) (3 pp.).
- X Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on (4 pp.).
- X Submission of Formal Drawings (1 pg.); and 10 Sheets of Formal Drawings, including Figures 1A, 1B, 1C, 1D, 1E, 2A, 2B, 2C, 3A, 3B.
- X Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).
- X Copy of previously submitted Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- X Substitute Submission under 37 CFR § 1.821-1.825 Sequence Listing (1 pg.).
- X (One) 1 Substitute CRF diskette containing the sequence listing.
- X Paper copy of Substitute Sequence Listing (5 pp.).

CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee	
				Rate	Fee	\$	750.00
Total Claims	20	-20	0	x \$18		\$	0
Indep. Claims	2	-3	0	x \$84		\$	0
Multiple Dependent Claim(s), if any				+ \$280		\$	0
Filing Fee:						\$	750.00

FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

☒ Fee for filing a **Divisional** Application Under 37 CFR 1.16 (a): \$ 750.00

☒ Please charge Deposit Account No. **09-0108** in the amount of : \$ 750.00

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account **09-0108**. This sheet is enclosed in duplicate.

CORRESPONDENCE ADDRESS
(Customer No. 27904)

INCYTE CORPORATION
LEGAL DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304

Phone: (650) 855-0555
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Date: July 10, 2003By: Barrie D. Greene

Barrie D. Greene

Reg. No. 46,740

Direct Dial Telephone: (650) 621-7576

☐ Inventor(s).☐ Assignee of complete interest.☒ Attorney or Agent of record.☐ Filed under 37 CFR 1.34(a), with Limited Recognition under 37 C.F.R. 10.9 (b).☐ Filed under 37 CFR 1.34(a) Registration number if acting under 37 CFR 1.34(a).

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By: Nancy Ramos Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Title: HUMAN ENA/VASP-LIKE PROTEIN SPLICE VARIANT

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 1E, 2A, 2B, 2C, 3A, and 3B, as 10 (ten) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: July 10, 2003

Barrie D. Greene

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Reg. No. 46,740

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